BY THE HOUSE OF DELEGATES,

February 15th, 1842.

Read and ordered to be printed.

MEMORIAL

OF THE

MILITARY CONVENTION

HELD AT FREDERICK CITY,

TO THE

LEGISLATURE OF MARYLAND.

MEMORIAL.

To the Honorable

The General Assembly of Maryland:

This memorial respectfully represents to your honorable bodies, that a convention, composed of delegates representing twenty-four uniform volunteer companies of the State of Maryland, assembled pursuant to previous appointment, in the city of Frederick, on Monday and Tuesday, the 6th and 7th of December, 1841, to take into consideration the existing defects of our present militia system, and to adopt measures to bring the subject before your honorable bodies at the present session, with a view of obtaining the passage of a law to re-organise the militia of the State, and offer increased encouragement to the formation of uniform volunteer companies. A committee of five was appointed by the convention to suggest the general outlines of such a system as would effect the desired result; who made a report to the convention, which was unanimously adopted. The report proposes the following general outlines:

That the State be divided into five military divisions, the boundaries thereof to be designated by the civil divisions of the State; that is to say, that each division shall be composed of one or more counties, naming them, and as regards the city of Baltimore, that it be erected into a division of itself.

That the militia of each division be under the command of a major general.

That each military division be divided into two brigade districts, the boundaries of said districts to be designated by election districts, and that each be under the command of a brigadier general.

That each brigade district be subdivided into four regimental districts, to be defined by the civil division of election districts, each under command of a colonel, and provided with full sets of company officers, as companies of the United States Army on the war establishment.

That each regiment be divided into two battalions, under the command of a lieutenant, colonel and major.

That a full and correct enrollment be made in each of the regimental districts, annually, in the months of March and April of all able bodied white male citizens between the ages of eighteen and forty-five years, (excepting such as are usually excepted) and full returns thereof be made to the commanding officer of the regiments respectively on or before the 15th day of May in each year, and that a duplicate be sent to the commanding officer of the brigade, to which such regiment belongs. The said enrollment to be performed by the sheriffs of the respective counties, composing the said regimental districts, or the deputies; and that compensation be allowed therefor, and penalties imposed for omission or neglect of duty, in that behalf.

That the ununiformed militia (except when mustered in the service of the State) be held exempt from all obligation to attend musters, drills or parades; and that in consideration of such exemption and of the service due the State from every citizen, they be respectively subjected to an annual militia fine or exemption fee of per man, to be paid to the enrolling officer at the time of the enrollment, or within 30 days thereafter, and that the fund thus created, be appropriated to military expenditures, such as fitting up armories, paying expense of enrollments, furnishing colors and music to regiments, defraying the cost of encampments, &c.

That no regiment shall have more than ten uniform companies belonging to it.

That no uniform volunteer company shall consist of less than thirty-two nor more than seventy-four, including the officers and non-commissioned officers.

That the act of 1838, chapter 393, be extended also to the city of Baltimore, so as to extend all over the State, except in so far as it may conflict with these provisions.

That the uniform and equipments of every foot soldier, and the uniform and equipments and horse of each acting member and officer of cavalry company, be exempt from all tax or process of law.

That all the captains and subalterns of the ununiformed militia in each of the several regimental districts in the State, shall for drill and military instruction, be formed into a company equipped as infantry, and commanded by officers chosen by themselves, of their own body; and except when in the service of the State, with their respective command, they shall act on all occasions in the regiment to which they belong, as if they constituted a company of uniform volunteers, and shall be subject to all regulations by law established for the government and discipline of volunteers.

That all uniformed volunteer companies, and all companies composed as herein provided, of the officers of the ununiformed militia, be required to keep themselves at all times well equipped and in readiness for service, and to perform at least three days camp or barrack service in the summer of each year, under the

command of the colonels of their respective regiments, superintended by the generals of their respective brigades and divisions.

That at some convenient place in each of the regimental districts there shall be established under the immediate supervision of the colonel an armory, in which shall be kept in good serviceable condition, all arms and accoutrements furnished by the State for the use of the ununiformed militia of such a regiment, and that out of the proceeds of the militia fines or exemption fees, there shall be paid to each volunteer uniform company the sum of dollars for each member the company may muster to aid in defraying the expense of their respective armories, drill rooms, music, &c.

That in addition to the aforegoing, all other provisions usually made for an efficient organization, and the enforcement of authority and command be adopted.

The committe have not attempted to put their views in the shape of a law, as the details necessary for that purpose, would require a much longer time than could be allowed them. Such is the confusion of our present militia system, that to render any new law efficient and operative, the whole of the past legislation on the subject must be repealed, and an entirely new system, embracing every thing necessary, be construed upon its ruins. The militia systems of other States must be patiently examined, and all that is good extracted from them. This course, together with the enlightened experience of the members of the Legislature, and a comparison of views among its members, will enable them to frame a law avoiding all the defects of former laws, and containing all the perfections of the various systems of the other States of the Union.

Your committee are not aware, that it was expected of them to draw out a law in detail, as the resolution only directed them to suggest "the plan of a law." This they have endeavored to do as well as the brief time allotted for consideration would permit. Indeed they are of opinion, that this is all that the convention could act upon, under existing circumstances. To prepare in detail such a law as would ensure the objects contemplated, or as we could hope to render acceptable to the majority of this convention or the General Assembly of Maryland, would require weeks of incessant, patient, and studious investigation. It would be out of the question to expect that a convention constituted as the present is, of men attending at their individual cost and expense, and leaving their business, could be kept together long enough to act upon such a bill, even if the effort to frame one were to be undertaken.

Your committee would therefore recommend the adoption of the following resolutions:

Resolved, That the presiding officers of this convention be requested to prepare a memorial to the next Legislature of Maryland, embodying the general views contained in the above report, and such others as may by them be deemed expedient, and in

consonance thereto, and praying the passage of an efficient law to organize the mass militia of the State, and encourage the formation of uniform volunteer companies.

Resolved, That said memorial be signed by the said officers for and on behalf of the members of this convention, and be presented to the legislature at its approaching session as early as practicable.

It is seen by the second resolution appended to the report, that your memorialists were appointed to bring the subject in this form before your honorable bodies, and in the name and on behalf of the convention to ask your earnest attention to it. The defects of our present Militia System are so glaring and numerous, that your memorialists do not deem it necessary to go into a particular enumeration of them. Indeed it may well be questioned whether there is in this State any general law now in practical operation on the subject. The act of 1834, chapter 251, is so complex and doubtful in its provisions, that it exists almost as a dead letter on the statute book; and whilst nearly all the other States of the Union have by law placed their military power upon a firm basis, and under due and salutary regulation, Maryland has left the matter to the almost unaided patriotism of her citizens. In this respect she has failed in the performance of her duty as a member of the Confederacy. By the Constitution of the United States the power "to train the militia according to the discipline prescribed by Congress" has been expressly reserved to the States, and that reservation not less than a consideration for their own dignity and protection requires of them an efficient exercise of the power. Whilst other States have not been unmindful of their duty in this behalf, *Maryland alone*, we repeat, has failed to organize. Why this remissness? Has our State less interest in the great stake of national glory, or is she less likely to be called upon for her *quotia* of soldiers in the event of a war or invasion? *Maryland* is central, and occupies a position on the Atlantic borders. Her territories are of easy access to the armies of Europe. Besides this she may be regarded as one of the very body guards of the national capitol, which stands upon a portion of her congenial soil! Is she prepared to offer protection to the archives of the nation in case of a sudden emergency? Let the tale of the 25th of August 1814, answer the question. Why was it that the capitol was then enveloped in flames and the national council halls dishonoured? Because the contiguous States and *Maryland* amongst them had failed to organize and disclipine their citizen soldiers. They put off the day of preparation, and when the hour for action arrived they were found wanting. Let us then be taught wisdom by the experience of the past; and obeying the solemn injunction of the immortal Washington, "*in time of peace prepare for war.*"

Your memorialists do not think that it is necessary to require all our citizens liable to militia duty, to learn the drtll and exercise, but in conformity with the example of other States, that an exemp-

tion fee be required of those who may prefer paying it rather than be subject to the toil and trouble of military exercises, and that *that* fee be applied to the encouragement of volunteer associations. Your memorialists, with all due deference, are clearly of opinion that this plan would be much less irksome to the citizens at large, and would furnish an armed force greatly superior to the mass militia. It seems to be conceded on all sides, at this day, that volunteer soldiers constitute the natural and best defence of our country. Large standing armies are altogether incompatible with our free institutions, and next to them the uniform volunteer is capable of the most efficient service in any exigency.

Your memorialists therefore, in conformity with the instructions of the convention respectfully pray your honorable bodies to take the matter into consideration, and, repealing all other laws except the act of 1838, chapter 393, frame a Militia System for Maryland, worthy of her revolutionary renown, and adequate to the responsibilities that hang over her. And your memorialists will ever pray, &c.

Signed by the order and on behalf of the Convention.

J. M. COALE, *President.*
J. HOLLINGSWORTH, 1*st. V. Pres't.*
RICHARD COALE, 2*nd* *do.*
G. L. WINDSOR, 3*rd* *do.*

Attest:

CHARLES Z. LUCAS, } *Secretaries.*
EDWARD SHRIVER, }